

---

## Senate Committee on Agriculture and Consumer Services

### AGRICULTURE

#### **SB 150 — Dog and Cat Fur Sales**

by Senators Sebesta, Forman, Latvala, Saunders, and Geller

This bill creates ss. 828.123 and 828.1231, F.S., prohibiting the sale of garments or other items made from dog or cat fur, or the killing of a dog or cat for its pelt. The bill was filed following an investigation by the Humane Society of the United States (HSUS) which indicated that dog and cat fur was being sold in the United States as trim on coats, hats, gloves, decorative accessories, and toys.

The bill provides that:

- Any person who kills any dog or cat for the purpose of selling or giving away the pelt of such animal commits a felony of the third degree, and is subject to a term of imprisonment of up to five years, or a fine of not more than \$10,000, or both.
- Any person who possesses, imports into this state, sells, buys, gives away, or accepts the pelt of any dog or cat for the purpose of selling or giving away the pelt commits a misdemeanor of the first degree, and is subject to a term of imprisonment of up to one year, or a fine of \$5,000, or both.
- Any person who possesses, imports into this state, sells, buys, gives away, or accepts any dog or cat for the purpose of killing or having the animal killed to sell or give away the pelt of the animal commits a felony of the third degree, and is subject to a term of imprisonment of up to five years, or a fine of not more than \$10,000, or both.
- Any individual who knowingly engages in the business of a dealer or buyer of pelts or furs of any dog or cat, or who knowingly ships, transports or receives for transport any dog or cat pelts or furs within the state, commits a felony of the third degree.
- Any person who knowingly sells, or offers for sale, a dog or cat pelt or garment made in whole or in part from dog or cat fur commits a misdemeanor of the first degree, and a subsequent violation of this provision constitutes a third degree felony.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 116-0.*

**CS/CS/CS/SB 806 — Aquaculture**

by Fiscal Resource Committee; Natural Resources Committee; Agriculture and Consumer Services Committee; and Senator Laurent

This bill allows the Department of Agriculture and Consumer Services (department) to expand its duties and responsibilities for administering the aquaculture program by transferring the regulation and licensing of aquaculture from various chapters throughout the statutes to ch. 597, F.S. It:

- Authorizes the department to perform certain duties and functions relating to aquaculture lease applications on behalf of the Board of Trustees for the Internal Improvement Trust Fund when so delegated by the Board of Trustees. Clarifies that the Board of Trustees would retain the authority to take final agency action in establishing any areas for leasing, new leases, expanding existing lease areas, or changing the type of lease activity in existing leases on sovereignty submerged lands.
- Provides that prior to the granting of any lease by the Board of Trustees, the Fish and Wildlife Conservation Commission (commission) shall comment when the application relates to bottom land in salt or fresh water. Requires the comments to be based on an assessment of the probable effect of the proposed lease on conservation of fish or wildlife or other programs under the constitutional or statutory authority of the commission.
- Requires first-time applicants of an Apalachicola Bay oyster harvesting license to attend an educational seminar which covers topics such as oyster biology, sanitary care of oysters, conservation of the Apalachicola Bay, small business management, and water safety.
- Revises the regulation of noncultured shellfish harvesting. Authorizes the commission to adopt rules relating to noncultured shellfish harvesting seasons in Apalachicola Bay.
- Directs the commission to protect the environment and natural resources from improper transport, deployment, and operation of a dredge or scrape. Provides penalties for violations.
- Reallocates the distribution of fees for alligator egg collection permits and alligator hide validation tags to ensure that a portion of those fees are deposited into the

General Inspection Trust Fund to provide marketing and education services for alligator products produced in the state.

- Requires the department to make available state lands and the water column for the purpose of producing aquaculture products when the aquaculture activity is compatible with state resource management goals, environmental protection, and propriety interest and when such state lands and waters are determined to be suitable for aquaculture development by the Board of Trustees of the Internal Improvement Trust Fund. Also, the department is to be responsible for all saltwater aquaculture activities located on sovereignty submerged land or in the water column above such land and adjacent facilities directly related to the aquaculture activity.
- Provides that the department is to act as a clearinghouse for aquaculture applications, and to act as a liaison between the Fish and Wildlife Conservation Commission, the Division of State Lands, the Department of Environmental Protection district offices, other divisions within the DEP, and the water management districts. Except as specifically provided, the department shall be responsible for regulating marine aquaculture producers.
- Prohibits the transfer of leases without the written approval of the department. Requires the department to keep proper indexes so that all original leases and all subsequent changes and transfers can be easily and accurately ascertained.
- Authorizes the department, if it deems it to be in the best interest of the state, to include natural reefs or beds in a lease. Authorizes the department to fix a reasonable value on the natural area, to be paid by the applicant for lease of such submerged land. Natural reefs may not be included in any shellfish or aquaculture lease granted in Franklin County. Requires the department to settle all disputes as to boundaries between lessees.
- Allows the boards of county commissions to appropriate and expend funds for the purpose of planting and transplanting shellfish to enhance the oyster and clam industries of the state.
- Requires the department to cooperate with the United States Fish and Wildlife Service. Authorizes the department to accept donations, grants, and matching funds from the federal government to carry out its oyster resource and development responsibilities.
- Provides penalties for the violation of marine fishery rules and statutes, notably for theft from a trap. Provides penalties for buying saltwater products from unlicensed persons and for selling saltwater products by unlicensed persons.

- Provides for a \$125 fee for a stone crab endorsement and establishes a system of fees and authorizes equitable rent for the Stone Crab Effort Management Plan created by rule of the Fish and Wildlife Conservation Commission.
- Limits the number of permits issued by the commission for commercial trawling or dead shrimp production in the St. John's River in any one year to those active in the base year, 1976, and renewed annually since 1976 and clarifies that all permits for dead shrimp production issued pursuant to s. 370.153, F.S., are inheritable or transferable to an immediate family member and annually renewable by the holder. Clarifies that noncommercial trawling in the St. Johns River may only be authorized by rule of the commission.
- Appropriates the sum of \$97,049 from the commercial saltwater license fee revenues in the Marine Resources Conservation Trust Fund to the commission for FY 2000-2001, for four career service positions that are authorized for the commission to implement the stone crab trap limitation program.
- Appropriates the sum of \$254,408 from the commercial saltwater license fee revenues in the Marine Resources Conservation Trust Fund to the commission for program operation, plus the sum of \$130,000 to cover the cost of stone crab trap tags in FY 2000-2001, in order to implement the stone crab trap limitation program in FY 2001-2002.
- Provides that a community development district may pay for investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

If approved by the Governor, these provisions take effect July 1, 2000.

*Vote: Senate 39-0; House 111-1*

### **CS/CS/SB 1114 — Agriculture**

by Fiscal Policy Committee; Agriculture and Consumer Services Committee; and Senator Thomas

This bill revises various provisions of law which come under the jurisdiction of the Department of Agriculture and Consumer Services (department) to aid the department in its mission to safeguard the public and support Florida's agricultural economy. It:

- Addresses the state's ongoing citrus canker eradication efforts by strengthening the department's existing regulatory authority for eradication and expands its authority to

develop a statewide program of decontamination to prevent and limit the spread of the disease.

- Authorizes the department to develop by rule, a statewide program of decontamination to prevent and limit the spread of citrus canker disease which addresses the application of decontamination procedures and practices. Authorizes the department to develop compliance and other agreements to aid in carrying out these duties. Requires owners and/or operators of nonproduction vehicles and equipment to follow department guidelines for citrus canker decontamination effective June 15, 2000. Requires the department to publish the guidelines no later than May 15, 2000.
- Requires county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts.
- Provides that agricultural lands which are taken out of production by any state or federal eradication or quarantine program shall continue to be classified for assessment purposes as agricultural lands.
- Allows individuals with three years experience in pest control for the United States Department of Defense to have met the requirements for obtaining a pest control operator's certificate from the state's Department of Agriculture & Consumer Services.
- Authorizes the department to review and evaluate registered pesticides if new information is made available indicating some danger to the public or the environment. Such review shall be conducted upon the request of the Secretary of the Department of Health or the Secretary of the Department of Environmental Protection. Such review may result in modification, revocation, cancellation or suspension of a pesticide registration.
- Prohibits the Department of Environmental Protection to institute proceedings against any property owner or leaseholder to recover any costs or damages associated with pesticide contamination of soil or water if the pesticide contamination is the result of pesticides used in accordance with state and federal law, applicable registered labels, and rules on property classified as agricultural land. Additionally, the Department of Environmental Protection may not institute proceedings if the property owner or leaseholder maintains records of such pesticide applications and the records are provided to the department upon request.
- Transfers the authority to bring a civil action for violations of the Motor Fuel Marketing Practices Act from the Department of Legal Affairs to the Department of

Agriculture and Consumer Services. Appropriates \$100,000 from the General Revenue Fund and two full-time positions to the department to implement the provisions of ch. 526, part I, F.S.

- Amends the definition of “agriculturally depressed area” to include crop losses or economic depression resulting from a natural disaster or socioeconomic conditions or events which negatively impact a crop.
- Creates an Agricultural Economic Development Disaster Loan Program for agricultural producers who have experienced crop losses from a natural disaster or a socioeconomic condition or event. Specifies uses of loan funds. Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than \$30,000 nor more than \$250,000. Specifies crops eligible for the emergency loan program. Provides criteria for loan application. Provides for security requirements and loan repayment.
- Requires the department to establish an equestrian educational sports program with one or more accredited 4-year state universities in order to give student riders the opportunity to learn, compete, and succeed at the collegiate level while at the same time promoting the state’s multi billion dollar equine industry.
- Revises the membership appointment and terms of the Florida Agriculture Center and Horse Park Authority.
- Revises timing requirements for department inspection and permitting of amusement rides. Removes exemptions from inspection requirements for certain temporary rides at public events.
- Limits local government regulations with respect to the Right to Farm Act where such activity is regulated through implemented best-management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts. Authorizes a local government to adopt regulations when an activity which takes place within a wellfield protection area is regulated through implemented best-management practices or interim measures which do not specifically address wellfield protection.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 115-0*